

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action dated June 26, 2007, the Examiner issued a restriction requirement under 35 U.S.C. § 121 alleging that the application claims more than one invention. Specifically, the Examiner identifies the inventions as being the following:

Group I, consisting of claims 1-16, drawn to a method of improving sexual performance in a male, classified in class 514, subclass 178;

Group II, consisting of claims 17-31, drawn to a method of increasing the libido of men, classified in class 514, subclass 178;

Group III, consisting of claims 32-50, drawn to a method for improving the efficacy of a pharmaceutical useful for treating erectile dysfunction in a male, classified in class 514, subclass 178; and

Group IV, consisting of claims 51-52, drawn to a kit comprising components for treating erectile dysfunction, classified in class 514, subclass 178.

Applicant believes the restriction requirement is not warranted and therefore respectfully traverses that requirement, as discussed further below. However, in order to further prosecution, Applicant provisionally elects to prosecute Group III, claims 32-50, pursuant to 37 C.F.R. §1.142, with traverse.

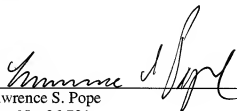
The Examiner has not established that the search and examination of Groups I, II, III and IV would cause an undue burden. Applicant respectfully submits that the search and examination of Groups I – IV together can be made without serious burden. Section 803 of the MPEP states that, “[i]f the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions” (emphasis added). Indeed, on page 2 of the Office Action, the Examiner classifies each of Groups I – IV in class 514, subclass 178. Given that the

Examiner has categorized each Group in the *same* class and subclass, the search and examination of the claims will not cause an undue burden. In view of this, as well as in view of Section 803, Applicant respectfully submits that all pending claims in Groups I, II, III and IV should be examined together in this application.

CONCLUSION

Applicant submits that the presently pending claims are in condition for allowance and requests early and favorable consideration.

Respectfully submitted,



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